

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

DIEGO VARGAS

No. 20 CR 331-2

Judge Matthew F. Kennelly

GOVERNMENT’S MOTION TO DISMISS THE INDICTMENT

The UNITED STATES OF AMERICA, through its attorney, JOHN R. LAUSCH, JR., United States Attorney for the Northern District of Illinois, respectfully moves this Court, pursuant to Fed. R. Crim. P. 48(a), to dismiss the indictment against defendant DIEGO VARGAS with prejudice, and in support thereof, states as follows:

1. On or about July 9, 2020, defendant DIEGO VARGAS (“defendant”) was charged in a one-count indictment with conspiracy to commit bank theft, in violation of Title 18, United States Code, Section 371.

2. On or about October 1, 2020, defendant was charged in a one-count indictment with maliciously attempting to damage and destroy, by means of an explosive device, a building used in an activity affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 844(i). *United States v. Diego Vargas*, 20 CR 708 (Bucklo, J.).

3. On or about June 10, 2021, pursuant to a plea agreement, defendant entered a plea of guilty in case number 20 CR 708. As part of that plea agreement, defendant stipulated to the offense conduct charged in this case and the government

agreed to dismiss the indictment in this case after the court sentenced defendant in 20 CR 708.

4. On or about March 3, 2022, defendant was sentenced to a term of 60 months' imprisonment in case number 20 CR 708.

5. Federal Rule of Criminal Procedure 48(a) states that the "government may, with leave of court, dismiss an indictment, information, or complaint."

6. The United States seeks to dismiss the indictment against defendant with prejudice.

WHEREFORE, the United States respectfully moves this Court for a dismissal of the indictment in this case with prejudice, pursuant to Fed. R. Crim. P. 48(a).

Respectfully submitted,

JOHN R. LAUSCH, JR.
United States Attorney

By: /s/ Mary Katherine McClelland
Mary Katherine McClelland
Assistant United States Attorney
219 South Dearborn Street, 5th Floor
Chicago, Illinois 60604
(312) 353-0517

Dated: March 16, 2022